

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION
CRIMINAL MINUTES – SENTENCING HEARING**

Case No.: 3:23cr11

Date: 3/21/2025

Defendant: James Metcalf, bond

Counsel: Timothy D. Belevetz, retained

PRESENT: Judge: Robert S. Ballou
Deputy Clerk: Kelly Brown
Court Reporter: Lisa Blair
U. S. Attorney: Celia Choy, Melanie Smith, Lina Peng
USPO: Angela George
Case Agent: Scott Medearis, Andrew Clouser--FBI

TIME IN COURT: 1:12-1:59, TOTAL TIME: 47 min

PROCEEDINGS:

- Court inquires as to Objection(s) to Presentence Report made by USA Deft.
Objections resolved prior to filling of final PSR.
- No evidence presented.
- Argument.
- Court adopts Presentence Report.
- Defendant Motion for Downward Variance.
 Court grants. Court denies.
- Allocutions.

SENTENCE IMPOSED AS FOLLOWS:

PROB: Ct. 11, 3 years of probation- comply w/Standard, Mandatory & Special Conditions.

Mandatory drug testing suspended.

SA: \$100.00 due immediately.

FINE: \$75,000 to be paid in monthly installments of \$5000 to commence 60 days after the entry of the judgment,
and to be paid in full within 12 months of the entry of the judgment.

MANDATORY CONDITIONS OF SUPERVISION:

1. You must not commit another federal, state, or local crime.
2. If applicable, you must make restitution in accordance with sections 3663 and 3663A, or any other statute authorizing a sentence of restitution.
3. You must not unlawfully possess a controlled substance.
4. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court. If applicable, this drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse.
5. You must cooperate in the collection of DNA as directed by the probation officer.
6. If applicable, you must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense.
7. If applicable, you must participate in an approved program for domestic violence.

STANDARD CONDITIONS OF SUPERVISION:

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment unless the probation officer excuses you from doing so. If you do not have full-time employment, you must try to find full-time employment unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of the change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. You must follow the instructions of the probation officer related to the conditions of supervision.

SPECIAL CONDITIONS OF SUPERVISION (Check applicable conditions):

The defendant shall pay any special assessment, fine, and/or restitution that is imposed by this judgment.

The defendant shall reside in a residence free of firearms, ammunition, destructive devices, and dangerous weapons.

PAYMENT SCHEDULE:

A lump sum payment of \$1,200.00 is due immediately, and during the term of imprisonment, payment in equal monthly installments of \$25.00 or 25% of the defendant's income, whichever is lesser, to commence 60 days after the date of this judgment; and payment in equal monthly installments of \$200.00 during the term of supervised release, to commence 60 days after release from imprisonment.

ADDITIONAL RULINGS:

All counts, with the exception of Ct. 11, are dismissed on Government Motion.

Defendant advised of right to appeal.

Additional Information:

Parties present and represented by counsel.

Deft remains satisfied with the advice and counsel of his attorney.

Deft has reviewed the mandatory and standard conditions of supervised release with his attorney, and they will be incorporated by reference.

Adjourned.